

CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 1
SUBDIVISION 4, OFFICE OF OIL SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS
SECTION 820.01
Affective May 1, 2007

820.01 Drills and Exercises

(a) Exercises shall be designed to exercise either individual components of the contingency plans or the entire response plan. Components include, but are not limited to:

- on-water containment and recovery;
- shoreline protection;
- response procedures (which includes how the plan interfaces with the State's Incident Command Structure and/or Unified Command as required by Title 8, California Code of Regulations, Subsection 5192(p)(D)(2));
- notification procedures;
- temporary storage and waste management procedures;
- oiled wildlife care requirements;
- and training related to response procedures.

Such exercises, individually or in combination, shall ensure that the entire plan is exercised at least once every three years, emphasizing spill response operations from spill discovery to completion of clean up and documentation. Any number of components may be tested during the exercises required below.

(1) For marine facilities and small marine fueling facilities:

- (A) A tabletop exercise, announced or unannounced, of the spill management team(s) shall be conducted annually.
- (B) Notification procedures shall be exercised quarterly for the Qualified Individual, marine facility personnel, the OSRO and the spill management team.
- (C) A semi-annual exercise to test the deployment of facility-owned equipment, which shall include immediate containment strategies, methods to stop the spill at the source, methods to slow or stop leaks, and methods to achieve immediate emergency shutdown.
- (D) Shoreline protection strategies shall be exercised as described in Subsection 820.01(b) below.
- (E) Oil spill response organization field equipment deployment exercises for on-water recovery and for shoreline protection shall each be conducted at least once every three years. Shoreline protection strategies shall be exercised as described in Subsection 820.01(b) below.
- (F) The owner/operator shall maintain adequate records of drills and exercises, for a period of at least three years, to include records of any drills and

exercises of the oil spill response organization and resources identified in the contingency plan. These records shall be maintained at the marine facility and shall be available for inspection by the Administrator.

(2) For Tank vessels, nontank vessels and vessels carrying oil as secondary cargo, as applicable:

(A) A shore-based spill management team tabletop exercise shall be conducted annually. This exercise shall be conducted in California at least once every three years.

(B) Onboard emergency procedures and Qualified Individual notification drills shall be conducted quarterly, or 72 hours prior to entering marine waters, whichever is less often;

(C) Oil spill response organization field equipment deployment exercises for on-water recovery and for shoreline protection shall each be conducted at least once every three years. Shoreline protection strategies shall be exercised as described in Subsection 820.01(b) below.

(D) The vessel owner/operator shall maintain adequate records of drills and exercises, for a period of at least three years, to include records of any off-vessel drills and exercises (i.e., drills and exercises not held aboard the vessel) of the oil spill response organization and resources identified in the contingency plan. These records shall be maintained at the United States location of either the Qualified Individual or the vessel owner/operator. Contingency plans should indicate the location of these records. All exercises conducted aboard the vessel shall be documented in the vessel's log.

(3) Drills shall be designed to exercise either individual components of the contingency plans or the entire response plan. Such drills, individually or in combination, shall ensure that the entire plan is exercised at least once every three years.

(4) The owner/operator shall ensure that records sufficient to document a drill or exercise are maintained for three years following the completion of the drill or exercise. All such documentation must be made available to the Administrator upon request.

(b) Shoreline Protection Strategies for Sensitive Sites

(1) Marine facility owners/operators are required to exercise shoreline protection response strategies for all ACP-listed sensitive sites within the area identified as impacted. Marine facility owner/operators may use their own trajectories to identify impacted areas.

(2) Vessel owner/operators are required to exercise the shoreline protection response strategies that are identified in the applicable Shoreline Protection Tables (SP Tables, see Section 790, incorporated by reference herein and posted on OSPR's website). All owner/operators may participate in the OSPR Sensitive Site Strategy Evaluation Program (as defined in Section 790) or shall submit a yearly schedule to OSPR which lists four sensitive sites to be exercised. Owner/operators are required to demonstrate to the Administrator that these areas have been exercised, either with owner/operator-owned equipment or through a Rated OSRO under contract with the owner/operator.

- (A) Each schedule shall be approved or denied within 180 days after receipt by the Administrator.
- (B) The Administrator shall determine whether each schedule adequately assures that the shoreline protection strategies for all sensitive sites identified as potentially impacted will be exercised. If it is determined that a schedule is inadequate, it will be returned to the submitter with a written explanation of deficiencies and, if practicable, suggested modifications or alternatives.
- (c) The Administrator may call a drill or conduct an inspection, to validate all or part of a contingency plan. This drill or inspection may be announced or unannounced.
- (d) To receive credit from OSPR for an exercise, the following notification requirements must be met:
- (1) The owner/operator shall invite the Administrator to participate in both the equipment deployment exercises and the management team tabletop exercises and shall submit written notification including, but not limited to, the following information: company name, address, marine facility or tank vessel name, OSPR contingency plan number, point of contact, phone/FAX number, e-mail address, type of exercise, date, time and location of exercise, sensitive sites being tested, exercise scenario description, plan components to be tested, and other participants in the drill. The owner/operator may use the OSPR Exercise Notification Form (FG OSPR 1964, 3/10/97) or a document that includes the same information as the Notification Form, for this purpose. Notification may be made via letter, E-mail, or fax and sent to:
Drills and Exercises Coordinator
Executive Branch
Department of Fish & Game/ OSPR
Post Office Box 944209
Sacramento, California 94244-2090
Fax: Drills and Exercises Coordinator,
DFG/OSPR, (916) 324-9786
 - (2) The Administrator shall be given advance notice of a minimum of 30 days for all exercises. Full Scale Combination Exercises and Area Exercises, however, require advance notice of a minimum of 60 days.÷
- (e) The Administrator shall determine if the elements of the plan were adequately tested by the exercise scenario and the response of the participants.

The Administrator shall give credit for all exercise objectives successfully tested during the exercise. Objectives not successfully tested during the exercise will not receive credit and shall be exercised again within the three year cycle. Exercise objectives shall include, but not be limited to, the following (as set forth in Appendix B of the PREP guidelines, as applicable):

- (1) Notifications: Test the notification procedures identified in the contingency plan;
- (2) Staff mobilization: Demonstrate the ability to assemble the spill response organization identified in the contingency plan;

- (3) Reserved
- (3.1) Unified Command: Demonstrate the ability of the spill response organization to form or interface with a Unified Command;
 - (3.1.1) Federal Representation: Demonstrate the ability to consolidate the concerns and interests of the other members of the unified command into a unified strategic plan with tactical operations;
 - (3.1.2) State Representation: Demonstrate the ability to function within the unified command structure;
 - (3.1.3) Local Representation: Demonstrate the ability to function within the unified command structure;
 - (3.1.4) Responsible Party Representation: Demonstrate the ability to function within the unified command structure;
- (3.2) Response Management System: Demonstrate the ability of the response organization to operate within the framework of the response management system identified in their respective plans;
 - (3.2.1) Operations: Demonstrate the ability to coordinate or direct operations related to the implementation of action plans contained in the respective response and contingency plans developed by the unified command;
 - (3.2.2) Planning: Demonstrate the ability to consolidate the various concerns of the members of the unified command into joint planning recommendations and specific long range strategic plans. Demonstrate the ability to develop short range tactical plans for the operations division;
- *(CA1) Situation Unit: Demonstrate the ability to collect, organize, and disseminate information about the current status of the spill;
- *(CA2) Resource Unit: Demonstrate the ability to maintain the status of all incident resources;
- *(CA3) Environmental Unit: Demonstrate the ability to prepare environmental data including assessments, modeling, surveillance, resources at risk, and impacts on environmentally sensitive sites.
- *(CA4) Resources at Risk Technical Specialist: Demonstrate the ability to identify natural resources thought to be at risk from exposure to spilled oil through the gathering and analysis of known and anticipated oil movement and the location of natural, cultural and economic resources, and to prioritize a list of resources for protection based on the relative importance of the resources and relative risk of exposure.
- (3.2.3.) Logistics: Demonstrate the ability to provide the necessary support of both the short term and long term action plans;
- (3.2.4) Finance: Demonstrate the ability to document the daily expenditures of the organization and provide cost estimates for continuing operations;
- (3.2.5) Public Affairs: Demonstrate the ability to form a joint information center and provide the necessary interface between the unified command and the media;
- (3.2.6) Safety Affairs: Demonstrate the ability to monitor all field operations and ensure compliance with safety standards;
- (3.2.7) Legal Affairs: Demonstrate the ability to provide the unified command with suitable legal advice and assistance;
- *(CA5) Liaison Officer: Demonstrate the ability to establish and coordinate interagency communication and cooperation;
- (4) Source Control: Demonstrate the ability of the spill response organization to control and stop the discharge at the source;
- (4.1) Vessel Emergency Services (formerly called Salvage): Demonstrate the ability to assemble and deploy the vessel emergency services resources identified in the response plan;

- (4.2) Firefighting: Demonstrate the ability to assemble and deploy the firefighting resources identified in the response plan;
- (4.3) Lightering: Demonstrate the ability to assemble and deploy the lightering resources identified in the response plan;
- (4.4) Other Vessel Emergency Services (formerly called Salvage) Equipment and Devices: Demonstrate the ability to assemble and deploy other vessel emergency services equipment and devices identified in the response plan;
- (5) Assessment: Demonstrate the ability of the spill response organization to provide an initial assessment of the discharge and provide continuing assessments of the effectiveness of the tactical operations;
- (6) Containment: Demonstrate the ability of the spill response organization to contain the discharge at the source or in various locations for recovery operations;
- (7) Recovery: Demonstrate the ability of the spill response organization to recover, mitigate, and remove the discharged product. Includes mitigation and removal activities, e.g., dispersant use, in-situ burning use, and bioremediation use.
- (7.1) On-water Recovery: Demonstrate the ability to assemble and deploy the on-water response resources identified in the response plans;
- (7.2) Shore-based Recovery: Demonstrate the ability to assemble and deploy the shoreside response resources identified in the response plans;
- *(CA6) Dispersants: Demonstrate the ability to evaluate the use of chemical dispersants utilizing the state and federal dispersant use policies and procedures adopted in the Region IX Regional Contingency Plan and the federal area plans, including: identify and mobilize the necessary equipment and personnel; utilize the appropriate FOSC checklists and evaluation forms (pre-approval or case-by-case dispersant use approval); activate the Regional Response Team (RRT) for case-by-case dispersant approval and provide sufficient information for a recommendation to be made by the RRT; develop all necessary documentation of actions taken; and, if appropriate, develop a dispersant use plan for inclusion in the Incident Action Plan (IAP).
- *(CA7) In-situ Burning: Demonstrate the ability to evaluate the use of in-situ burning utilizing state and federal policies and procedures as adopted in the federal area contingency plans, including: identify and mobilize the necessary equipment and personnel; establish and coordinate communications with the local air quality management districts; complete the in-situ burning checklists and evaluation forms; activate the Regional Response Team (RRT) and provide sufficient information for a recommendation to be made by the RRT; document actions taken; and, if appropriate, develop an in-situ burning plan for inclusion in the IAP.
- *(CA8) Bioremediation: Demonstrate the ability to evaluate the use of bioremediation utilizing state and federal policies and procedures as adopted in the federal area contingency plans, including: identify and mobilize the necessary equipment and personnel; develop all necessary documentation of actions taken; and, if appropriate, develop a bioremediation plan for inclusion in the IAP.
- (8) Protection: Demonstrate the ability of the spill response organization to protect the environmentally and economically sensitive areas identified in the approved Area Contingency Plans;
- (8.1) Protective Booming: Demonstrate the ability to assemble and deploy sufficient resources to implement the protection strategies contained in the Area Contingency Plan and the respective industry response plan;
- (8.2) Water Intake Protection: Demonstrate the ability to quickly identify water intakes and implement the proper protection procedures from the Area Contingency Plan or develop a plan for use;

- (8.3) Wildlife Recovery and Rehabilitation: Demonstrate the ability to quickly identify these resources at risk and implement the proper protection procedures from the Area Contingency Plan or develop a plan for use;
- (8.4) Population Protection: Demonstrate the ability to quickly identify health hazards associated with the discharged product and the population at risk from these hazards, and implement the proper protection procedures from the Area Contingency Plan or develop a plan for use;
- (9) Disposal: Demonstrate the ability of the spill response organization to dispose of the recovered material and contaminated debris.
- *(CA9) Waste Management: Demonstrate the ability of the spill response organization to properly manage the recovered product and to develop a waste management plan for approval by the Unified Command. The plan will include appropriate procedures for obtaining permits and/or waivers, waste characterization, waste minimization, volumetric determination, and overall waste management and final disposition, as appropriate;
- (10) Communications: Demonstrate the ability to establish an effective communications system for the response organization;
- (10.1) Internal Communications: Demonstrate the ability to establish an intra-organization communications system. This encompasses communications both within the administrative elements and the field units;
- (10.2) External Communications: Demonstrate the ability to establish communications both within the administrative elements and the field units;
- (11) Transportation: Demonstrate the ability to provide effective multi-mode transportation both for execution of the discharge and support functions;
- (11.1) Land Transportation: Demonstrate the ability to provide effective land transportation for all elements of the response;
- (11.2) Waterborne Transportation: Demonstrate the ability to provide effective waterborne transportation for all elements of the response;
- (11.3) Airborne Transportation: Demonstrate the ability to provide the necessary support of all personnel associated with the response;
- (12) Personnel Support: Demonstrate the ability to provide the necessary support of all personnel associated with the response;
- (12.1) Management: Demonstrate the ability to provide administrative management of all personnel involved in the response. This requirement includes the ability to move personnel into or out of the response organization with established procedures;
- (12.2) Berthing: Demonstrate the ability to provide overnight accommodations on a continuing basis for a sustained response;
- (12.3) Messing: Demonstrate the ability to provide suitable feeding arrangements for personnel involved with the management of the response;
- (12.4) Operational/Administrative Spaces: Demonstrate the ability to provide suitable operational and administrative spaces for personnel involved with the management of the response;
- (12.5) Emergency Procedures: Demonstrate the ability to provide emergency services for personnel involved in the response;
- (13) Equipment Maintenance and Support: Demonstrate the ability to maintain and support all equipment associated with the response;
- (13.1) Response Equipment: Demonstrate the ability to provide effective maintenance and support for all response equipment;
- (13.2) Response Equipment (Support): Demonstrate the ability to provide effective maintenance and support for all equipment that supports the response. This

requirement includes communications equipment, transportation equipment, administrative equipment, etc;

- (14) Procurement: Demonstrate the ability to establish an effective procurement system;
- (14.1) Personnel: Demonstrate the ability to procure sufficient personnel to mount and sustain an organized response. This requirement includes ensuring that all personnel have qualifications and training required for their position within the response organization;
- (14.2) Response Equipment: Demonstrate the ability to procure sufficient response equipment to mount and sustain an organized response;
- (14.3) Support Equipment: Demonstrate the ability to procure sufficient support equipment to support and sustain an organized response;
- (15) Documentation: Demonstrate the ability of the spill response organization to document all operational and support aspects of the response and provide detailed records of decisions and actions taken. These documents shall be provided to the Administrator upon request.

*California-specific requirements

- (f) The owner/operator shall provide the following documentation in order to receive credit from OSPR for any exercise conducted
 - (1) the contingency plan number including point of contact, phone number and e-mail address;
 - (2) a list of all other participants and their roles, including contingency plan numbers if applicable;
 - (3) a list of all components of the contingency plan tested;
 - (4) a list of all ACP-listed sensitive site protection response strategies tested and documentation of actual deployment;
 - (5) A list of any written plans created during the drill or response (such as the site safety plan, incident action plan, disposal plan communications plan, completed or not);
 - (6) a list of ~~the~~ other regulatory agencies attending the drill or exercise, if any; and,
 - (7) an exercise evaluation.
 - (8) for all exercises:
 - (A) information that demonstrates whether the required drills as listed in subsection in (a) above, have been conducted. The Evaluator Work Sheet (FG OSPR 1963, 2/9/98) or a form that includes the same information; may be used to gather this information. This information shall be kept by the Plan Holder for 3 years and made available to the Administrator upon request;
 - (B) information of either concern or benefit to the local Area Planning Committee or the applicable California Harbor Safety Committee including, but not limited to, the following: plan components tested, observations and description of successful

positive action or statement of problem, and any recommendations for suggested action or improvement to Area Contingency Plans, marine facilities and vessel plans, OSROs, federal agencies, state agencies, local agencies, training or exercise programs. The USCG/OSPR Lessons Learned Reporting Form (ACP LL Rev. 2/98), or a form that includes the same information, may be used to gather this information. This information shall be kept by the Plan Holder for 3 years and made available to the Administrator upon request.

(9) for all tabletop exercises:

(A) information including, but not limited to, the following: point of contact, and phone number and e-mail address, date of exercise; location; time started/time completed; the response plan scenario used; size of spill; evaluation of the spill management team's knowledge of the oil spill response plan; determination of proper notifications; evaluation of the communications system; ability to access contracted OSROs; ability to coordinate spill response with On-Scene Coordinator, state and applicable agencies; and ability to access sensitive site and resource information in the Area Contingency Plan if referenced. The Spill Management Team/Tabletop Exercise Report (FG OSPR 1966, 5/7/97), or a form that includes the same information, may be used to gather this information. This information shall be kept by the Plan Holder for 3 years and made available to the Administrator upon request.

(10) for all equipment deployment exercises:

(A) information including, but not limited to, the following: date; identity of marine facility or vessel; location(s); time started/completed; equipment ownership; a list of type and amount of all equipment deployed and number of support personnel employed; description of the exercise goals and a list of any Area Contingency Plan strategies tested, with a sketch of equipment deployments and booming strategies; if marine facility-owned equipment, was at least the amount of equipment deployed necessary to respond to the average most probable spill; was equipment deployed in its intended operating environment; was a representative sample of OSRO-owned equipment deployed; was the OSRO-owned equipment deployed in its intended operating environment; description of the marine facility's comprehensive training and equipment maintenance programs; did personnel responsible for equipment deployment actually deploy the equipment; and was deployed equipment operational. The Equipment Deployment Evaluation Form (FG OSPR 1965, 2/20/97), or a form that includes the same information, may be used to gather this information. This information shall be kept by the Plan Holder for 3 years and made available to the Administrator upon request.

(11) a list or check sheet showing what documentation has been submitted as part of the credit request.

(g)The Administrator shall issue exercise credit via e-mail, for objectives met during the exercise, within 90 days to the owner/operator for any exercise attended by OSPR personnel, which evaluates the adequacy of the exercise scenario to test elements of the plan and its implementation, and the response of the participants. Any inadequacies noted in the Administrator's report must be addressed in writing by the owner/operator within 60 days of the receipt of the Administrator's report. The owner/operator's response shall propose remedies to the noted inadequacies including, but not limited to, any necessary changes to the

plan, any changes in contracted or owned response resources, changes in or additions to training, and/or the need for additional drills or exercises. The owner/operator's response shall include a schedule for implementing the remedies. The Administrator may audit all drill documentation to verify that the drill was done in accordance with the credit request.

(h) Substitution

(1) In-State Exercises

In substitution for the exercises required by Subsections (a) above, the Administrator may accept an exercise conducted by the marine facility or vessel, and called by an agency other than the OSPR, if all of the following conditions are met:

- (A) the exercise tests one or more of the following: the marine facility or vessel's spill management team and spill response organization; deployment of the facility or vessel's response equipment; or deployment of other response resources identified in the contingency plan; and
- (B) the exercise is conducted with the U. S. Coast Guard, or another local, state or federal agency and the OSPR has been invited with the minimum notification required in Section 820.01(d)(2); and,
- (C) the owner/operator has received prior approval for the exercise substitution from the Administrator, and,
- (D) the Administrator finds the plan components tested and evaluation criteria equal to or exceeding those of the OSPR.

(2) Out-of-State Exercises

The only exercise that can be substituted under this Subsection (2) is an exercise of the spill management team and a response management organization that is separate from the tank vessel operation itself. However, at least once every three years, the annual spill management team tabletop exercise must be conducted in California.

In substitution for the spill management team tabletop exercises, the Administrator may accept an exercise conducted by the vessel owner/operator outside of the State of California if the following conditions are met:

- (A) OSPR has been invited with the minimum notification required in Subsection 820.01(d)(2); and,
- (B) the owner/operator has received prior approval for the exercise substitution from the Administrator; and,
- (C) the Administrator finds the exercise objectives and evaluation criteria equal to or exceeding those of the OSPR.

(i) OSRO Exercises

An exercise of an OSRO's services may fulfill the equipment deployment exercise requirement of Subsection (a)(1) above for any marine facility, or Subsection (a)(2) above for any vessel, that utilizes the OSRO's plan to fulfill the response requirements of the facility's or vessel's own plan. These exercises will not fulfill the semi-annual equipment deployment

exercise requirement of marine facility-owned equipment pursuant to Subsection (a)(1)(C). OSRO's who participate in the OSPR Sensitive Site Strategy Evaluation program (as defined in S. 790) may meet the shoreline protection exercise requirement of Subsection (b)(1) above for marine facilities, or Subsection (a)(2) above for vessels.

(j) Unannounced Exercises

An unannounced exercise may be used to satisfy the exercise requirements of this subsection under the following conditions:

- (1) The owner/operator shall submit a written request to the administrator within 90 days after the unannounced exercise is conducted asking that the exercise be considered in substitution for one or more of the required exercises, and;
- (2) the exercise tests one or more of the following: 1) the marine facility's or vessel's spill management team and spill response organization, 2) deployment of the facility's or vessel's response equipment, or 3) deployment of other response resources identified in the facility's or vessel's plan.

(k) Actual Spill

- (1) Actions taken in response to an actual spill may be considered for exercise credit upon request of the owner/operator if all of the following conditions are met:

- (A) the OSPR receives the documentation, as appropriate, outlined in Section 820.01(f); and,
- (B) the OSPR receives documentation of State OES oil spill notification, and the owner/operator provides all the information required on the OSPR Notification Form (FG OSPR Form 1964); and,
- (C) activation of the spill management team is successfully accomplished; and,
- (D) OSPR or another regulatory agency responds to the spill. A written response/evaluation by the owner/operator may be accepted by OSPR in lieu of an agency report if an agency report is not prepared; and,
- (E) the response was carried out in accordance with an approved contingency plan, the appropriate Area Contingency Plan, and/or in accordance with the directions of the Administrator or Federal On-Scene Coordinator; and
- (F) the OSPR receives a report from the Responsible Party as to cause of the spill, and procedures or other measures adopted to prevent a similar reoccurrence.
- (G) Plan holders must submit updated oil spill contingency plans showing the procedures developed for Subsection (F) above.

Note: Authority cited: Sections 8670.10 and 8670.28, Government Code. Reference: Sections 8670.7, 8670.10, 8670.28, 8670.29 and 8670.30, Government Code.